

1 **MOT**  
2 **SUSAN WILLIAMS SCANN, ESQ.**  
3 **Nevada Bar No. 000776**  
4 **PAUL R CONNAGHAN, ESQ.**  
5 **Nevada Bar No. 003229**  
6 **DEANER, DEANER, SCANN,**  
7 **MALAN & LARSEN**  
8 **720 South Fourth Street, Suite #300**  
9 **Las Vegas, Nevada 89101**  
10 **(702) 382-6911**  
11 **Attorneys for Binford Medical Developers, LLC**

**E-Filed On** 12/4/06

8 UNITED STATES BANKRUPTCY COURT  
9 FOR THE DISTRICT OF NEVADA

10 In re: )  
11 )  
12 USA COMMERCIAL MORTGAGE )  
13 COMPANY, )  
14 Debtor )

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

14 In re: )  
15 )  
16 USA CAPITAL REALTY ADVISORS, LLC. )  
17 Debtor )

Chapter 11  
Jointly Administered Under  
Case No. BK-S-06-10725 LBR

17 In re: )  
18 )  
19 USA CAPITAL DIVERSIFIED TRUST )  
20 DEED FUND, LLC. )  
21 Debtor )

Date of Hearing:  
Time of Hearing:

**EX PARTE MOTION FOR ORDER  
SHORTENING TIME TO HEAR MOTION  
TO TEMPORARILY ALLOW CLAIM OF  
BINFORD MEDICAL DEVELOPERS, LLC  
FOR VOTING PURPOSES**

20 In re: )  
21 )  
22 USA CAPITAL FIRST TRUST )  
23 DEED FUND, LLC. )  
24 Debtor )

Affects:  
☒ USA Commercial Mortgage Company  
☒ OUSA Capital Diversified Trust Deed Fund, LLC  
☒ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC  
☐ USA Realty Advisors, LLC  
☐ All Debtors

24 In re: )  
25 )  
26 USA SECURITIES, LLC. )  
27 Debtor )

27 COMES NOW, BINFORD MEDICAL DEVELOPERS LLC, ("Binford") by and through its  
28 attorney SUSAN WILLIAMS SCANN, ESQ. of the law firm of DEANER, DEANER, SCANN,

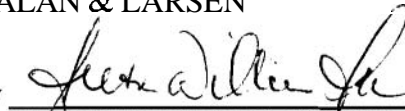
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720 South Fourth Street, Suite 300  
Las Vegas, Nevada 89101  
Telephone (702) 382-6911 • Facsimile (702) 366-0854

1 MALAN & LARSEN, and hereby moves this Court for an Order Shortening Time for the hearing  
2 on the Ex Parte Application for Order Shortening Time to Hear Motion to Temporarily Allow Claim  
3 of Binford Medical Developers, LLC for Voting Purposes in Court filed November 30, 2006 by  
4 Binford. This Motion is based upon Bankruptcy Rule 9006(c)(1) and LR 9006(a), the Affidavit of  
5 counsel for Binford attached hereto, and upon the pleadings and records on file herein. A copy of the  
6 Motion to Temporarily Allow Claim of Binford Medical Developers, LLC for Voting Purposes is  
7 attached hereto.

8 DATED this 4th day of December, 2006.

9 DEANER, DEANER, SCANN,  
10 MALAN & LARSEN

11 By



12 SUSAN WILLIAMS SCANN, ESQ.

13 Nevada Bar No. 000776

14 720 South Fourth Street, Suite 300

15 Las Vegas, Nevada 89101

16 Attorney for Binford Medical Developers, LLC

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**AFFIDAVIT IN SUPPORT OF EX PARTE  
APPLICATION FOR ORDER SHORTENING TIME**

STATE OF NEVADA                     )  
  ) ss:  
COUNTY OF CLARK                    )

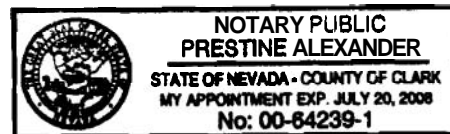
SUSAN WILLIAMS SCANN, being first duly sworn, deposes and says:

1. I am an attorney with the law firm of DEANER, DEANER, SCANN, MALAN & LARSEN, and licensed to practice law in the State of Nevada.
2. DEANER, DEANER, SCANN, MALAN & LARSEN are counsel for Binford.
3. An Order Shortening Time is requested because if this Motion is heard in the ordinary course it will be set later than the confirmation hearing set for December 19, 2006 at 10:00 a.m. A hearing is presently scheduled for December 15, 2006 at 1:30p.m. on Binford's Motion for Preliminary Injunction. It may be a convenient time for the hearing because a decision on the Motion prior to confirmation will allow the Debtors to have their ballot summaries prepared in advance of the Confirmation Hearing and should give the Debtors adequate time to determine whether they will oppose this motion.
4. Accordingly, it is necessary for Plaintiff to have this Motion heard by Order Shortening Time.

  
\_\_\_\_\_  
SUSAN WILLIAMS SCANN

SUBSCRIBED AND SWORN TO before me  
this 4th day of December, 2006.

  
\_\_\_\_\_  
NOTARY PUBLIC in and for said  
County and State



F:\OFFICE\CLIENTS\Binford Medical Developers, LLC\DOCS\OST M2\Allow Claim for Voting.wpd

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